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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9
10 SECURITIES AND EXCHANGE
COMMISSION,

11 Plaintiff,

12 vs.

13 PREMIER HOLDING CORPORATION,
14 et al.,

15 Defendants.

Case No. 8:18-cv-00813-CJC-KES

**[PROPOSED] ORDER GRANTING
PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
DISCOVERY MOTION**

Date: January 3, 2019
Time: 10 a.m. PST
Place: Telephonic
Judge: Hon. Karen E. Scott

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18 **TO ALL PARTIES:**

19 This matter is now before the Court on Plaintiff Securities and Exchange
20 Commission's Motion Regarding Various Discovery Disputes regarding Defendants
21 Premier Holdings Corp. ("Premier") and Randall Letcavage ("Letcavage")
22 (collectively, "Defendants").

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24 Having considered all the papers filed concerning the motion, and having given
25 the parties involved an opportunity to be heard, it is hereby ORDERED that:
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1 1. Defendants are ORDERED to produce, by January 28, 2019,
2 supplemental responses to the SEC's Document Requests to Premier and Letcavage.
3 Such responses shall specifically state with respect to each individual request,
4 whether responsive documents exist and, whether or not any documents are being
5 withheld on the basis of any objection. If Defendants assert that any documents
6 produced by them in the underlying investigation would be responsive to any of the
7 SEC's individual requests, they are to specifically identify those documents, by bates
8 stamp number and date of production.
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11 2. Defendants are ORDERED to produce, by January 28, 2019, the
12 documents referenced in the October 18, 2018 Deposition of Connie Absher.
13 Furthermore, Defendants are to state, in an Affidavit to be executed by either
14 Letcavage or counsel for Defendants, the efforts made to obtain these documents,
15 including stating what materials were reviewed, where searched materials, including
16 electronic data, were located, and how, when, and by whom such a search was made.
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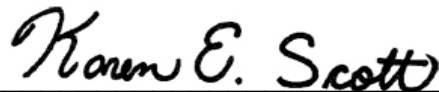
19 3. Defendants are ORDERED to provide, by January 7, 2019, the SEC with
20 three or four dates on which their Fed. R. Civ. Proc. 30(b)(6) witness will be made
21 available. That deposition will be held in Los Angeles, California, and Defendants
22 will be responsible for the costs of the SEC attorneys' travel to and hotel costs in Los
23 Angeles, not to exceed \$3,500. Defendants are also to pay the costs of the court
24 reporter and videographer from the cancelled December 6, 2018 deposition. The
25 parties are to use their best efforts to schedule additional depositions during the same
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1 week.

2 4. Defendants are ORDERED to state, by January 28, 2019, as to each
3 individual request, whether or not otherwise responsive documents are being
4 withheld on the basis of any privilege. Should any documents be so withheld,
5 Defendants are to provide, by January 28, 2019, a privilege log including all the
6 information required by Fed.R.Civ.Proc. 26(b)(5) and applicable California and
7 federal law, including the general nature of the document, the identify and position of
8 its author, the date of authorship, identity and positions of recipients, location of
9 document, and reason the document was withheld. The parties are to confer in good
10 faith as to whether or not Defendants could satisfy their legal obligations with other
11 than a document-by-document log.
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13 IT IS SO ORDERED.

14 Dated: January 8, 2019



Hon. Karen E. Scott
UNITED STATES MAGISTRATE JUDGE

15 Presented by:
16 Howard A. Fischer
17 Attorney for Plaintiff Securities and
18 Exchange Commission
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PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
200 Vesey Street, New York, NY 10281
Telephone No. (212) 336-0062.

On December 19, 2018, I caused to be served the document entitled **[PROPOSED] ORDER** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☒ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January __, 2019

/s/ Howard Fischer

Howard Fischer

SEC v. Premier Holding et al.
United States District Court—Central District of California
Case No. 8:18-cv-00813-CJC-KES

SERVICE LIST

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Pro Se